

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

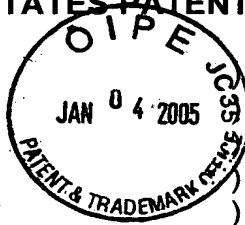
In re Patent Application of:

Jerome Pierrard et al.

Application No.: 10/018,786

Filed: June 26, 2002

For: A VIRULANT XANTHOMONAS-
CAMPESTRIS STRAINS
PRODUCING XANTHAN



Group Art Unit: 1653

Examiner: Robert A. Wax

Confirmation No.: 1914

DECLARATION ON BIOLOGICAL DEPOSIT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:


I, Deborah H. Yellin declare as follows:

1. The cultures, referenced in the above-captioned patent application as RPA-BIOCAT 1016 (Accession No. CBS 101940), BIOCAT 1017 (Accession No. CBS 101941), BIOCAT 1019 (Accession No. CBS 101942), BIOCAT 1021 (Accession No. CBS 101943), and BIOCAT 1022 (Accession No. CBS 101944) were deposited on June 16, 1999 at the depository Centraalbureau Voor Schimmelcultures (CBS), Ossterstaat 1, P.O. Box 273, 3740 AG Baarn, The Netherlands, as a permanent deposit and will be made available to the public in accordance with the regulations set forth at 37 C.F.R. § 1.806. A copy of the receipt document reciting the terms of deposit is attached hereto.

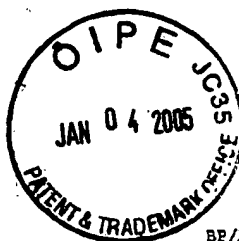
2. It is further declared that the applicants acknowledge their duty to remove all restrictions on the dissemination of the deposited cell line upon the issue of a patent arising from the present application. The applicants have accepted the responsibility to replace the cell line if the deposit with the CBS should die or be destroyed and have paid the fee for the patent-related deposit services.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the instant application or any patent issuing thereon.

Date: January 4, 2005



Deborah H. Yellin
Reg. No. 45,904



BP/A/II/12
page 14

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Rhodia Chimie
Usine de Melle
R.T.A.
BP 30
79500 MELLE
Frankrijk

name and address of depositor

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the
DEPOSITOR:

RPA-BIOCAT 1016

Accession number given by the
INTERNATIONAL DEPOSITARY AUTHORITY:

CBS 101940

II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION

The microorganism identified under I above was accompanied by:



a scientific description



a proposed taxonomic designation

(mark with a cross where applicable)

III. RECEIPT AND ACCEPTANCE

This International Depositary accepts the microorganism identified under I above, which
received by it on 16-06-99 (date dd-mm-yy of the original deposit) 1

IV. RECEIPT OF REQUEST FOR CONVERSION

The microorganism identified under I above was received by this International Depositary
Authority on not applicable (date dd-mm-yy of the original deposit) and a
request to convert the original deposit to a deposit under the Budapest Treaty was received
by it on not applicable (date dd-mm-yy of receipt of request for conversion)

V. INTERNATIONAL DEPOSITARY AUTHORITY

Name: Centraalbureau voor Schimmelcultures

Address: Oosterstraat 1
P.O. Box 273
3740 AG BAARN
The Netherlands

Signature(s) of person(s) having the power
to represent the International Depositary
Authority or of authorized official(s):

Mrs F.B. Srippe-Claus

Dr. J.A. Stalpers

Date (dd-mm-yy): 22-06-99

1 Where Rule 6.4(d) applies, such date is the date on which the status of international
depositary authority was acquired.

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Rhodia Chimie
Usine de Melle
R.T.A.
BP 30
79500 MELLE
Frankrijk

*name and address of the party to whom the
viability statement is issued*

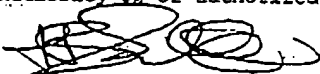
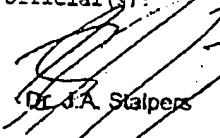
VIABILITY STATEMENT
issued pursuant to Rule 10.2 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified on the following page

I. DEPOSITOR	II. IDENTIFICATION OF THE MICROORGANISM
Name: Rhodia Chimie Usine de Melle R.T.A. Address: BP 30 79500 MELLE Frankrijk	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: CBS 101940 Date (dd-mm-yy) of the deposit or of the transfer: 1 16-06-99
III. VIABILITY STATEMENT	
The viability of the microorganism identified under II above was tested on 22-06-99 2. On that date (dd-mm-yy), the said microorganism was <input checked="checked" type="checkbox"/> ³ viable <input type="checkbox"/> ³ no longer viable	

¹ Indicate the date of the original deposit or, where a new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).

² In the cases referred to in Rule 10.2(a) (ii) and (iii), refer to the most recent viability test.

³ Mark with a cross the applicable box.

IV. CONDITIONS UNDER WHICH THE VIABILITY HAS BEEN PERFORMED 4	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: Centraalbureau voor Schimmelcultures	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):
Address: Oosterstraat 1. P.O. Box 273 3740 AG BAARN The Netherlands	 Mrs F.B. Snippe-Claus Date (dd-mm-yy): 22-06-99
	 Dr J.A. Stalpers

⁴ Fill in if the information has been requested and if the results of the test were negative.

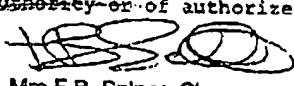
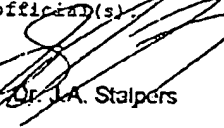
BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Rhodia Chimie
Usine de Melle
R.T.A.
BP 30
79500 MELLE
Frankrijk

name and address of depositor

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR: RPA-BIOCAT 1017	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: CBS 101941
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I above was accompanied by: <input checked="" type="checkbox"/> a scientific description <input type="checkbox"/> a proposed taxonomic designation (mark with a cross where applicable)	
III. RECEIPT AND ACCEPTANCE	
This International Depositary accepts the microorganism identified under I above, which received by it on 16-06-99 (date dd-mm-yy of the original deposit) 1	
IV. RECEIPT OF REQUEST FOR CONVERSION	
The microorganism identified under I above was received by this International Depositary Authority on not applicable (date dd-mm-yy of the original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on not applicable (date dd-mm-yy of receipt of request for conversion)	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: Centraalbureau voor Schimmelcultures Address: Oosterstraat 1 P.O. Box 273 3740 AG BAARN The Netherlands	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):  Mrs F.B. Snippe-Claus Date (dd-mm-yy): 22-06-99  Dr. J.A. Stalpers

1 Where Rule 6.4(d) applies, such date is the date on which the status of international
depositary authority was acquired.

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Rhodla Chimie
Usine de Melle
R.T.A.
BP 30
79500 MELLE
Frankrijk

*name and address of the party to whom the
viability statement is issued*

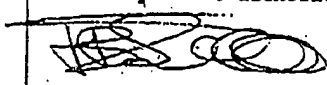
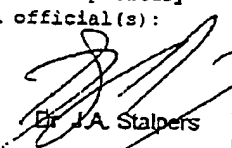
VIABILITY STATEMENT
issued pursuant to Rule 10.2 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified on the following page

I. DEPOSITOR	II. IDENTIFICATION OF THE MICROORGANISM
Name: Rhodia Chimie Usine de Melle R.T.A. Address: BP 30 79500 MELLE Frankrijk	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: CBS 101941 Date (dd-mm-yy) of the deposit or of the transfer: 1 16-06-99
III. VIABILITY STATEMENT	
The viability of the microorganism identified under II above was tested on 22-06-99 2. On that date (dd-mm-yy), the said microorganism was <input checked="checked" type="checkbox"/> ³ viable <input type="checkbox"/> ³ no longer viable	

¹ Indicate the date of the original deposit or, where a new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).

² In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test.

³ Mark with a cross the applicable box.

IV. CONDITIONS UNDER WHICH THE VIABILITY HAS BEEN PERFORMED ⁴	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: Centraalbureau voor Schimmelmcultures	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):
Address: Oosterstraat 1 P.O. Box 273 3740 AG-BAARN The Netherlands	 Mrs F.B. Snippe-Claus Date (dd-mm-yy): 22-06-99
	 Dr. J.A. Stalpers

⁴ Fill in if the information has been requested and if the results of the test were negative.

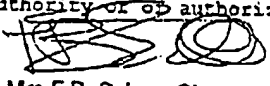
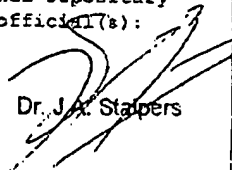
BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Rhodia Chimie
Usine de Melle
R.T.A.
BP 30
79500 MELLE
Frankrijk

name and address of depositor

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR: RPA-BIOCAT 1019	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: CBS 101942
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I above was accompanied by: <input checked="" type="checkbox"/> a scientific description <input type="checkbox"/> a proposed taxonomic designation (mark with a cross where applicable)	
III. RECEIPT AND ACCEPTANCE	
This International Depositary accepts the microorganism identified under I above, which received by it on 16-06-99 (date dd-mm-yy of the original deposit) 1	
IV. RECEIPT OF REQUEST FOR CONVERSION	
The microorganism identified under I above was received by this International Depositary Authority on not applicable (date dd-mm-yy of the original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on not applicable (date dd-mm-yy of receipt of request for conversion)	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: Centraalbureau voor Schimmelcultures Address: Oostersstraat 1 P.O. Box 273 3740 AG BAARN The Netherlands	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):  Mrs F.E. Snippe-Claus Date (dd-mm-yy): 22-06-99  Dr. J.A. Stappers

1 Where Rule 6.4(d) applies, such date is the date on which the status of international
depositary authority was acquired.

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Rhodia Chimie Usine de Melle R.T.A. BP 30 79500 MELLE Frankrijk
<i>name and address of the party to whom the viability statement is issued</i>

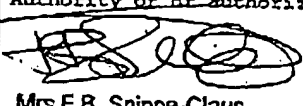
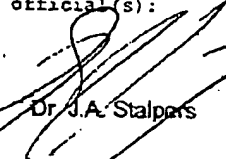
VIABILITY STATEMENT
issued pursuant to Rule 10.2 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified on the following page

I. DEPOSITOR	II. IDENTIFICATION OF THE MICROORGANISM
Name: Rhodia Chimie Usine de Melle R.T.A. Address: BP 30 79500 MELLE Frankrijk	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: CBS 101942 Date (dd-mm-yy) of the deposit or of the transfer: 1 16-06-99
III. VIABILITY STATEMENT	
The viability of the microorganism identified under II above was tested on 22-06-99 2. On that date (dd-mm-yy), the said microorganism was <input checked="checked" type="checkbox"/> ³ viable <input type="checkbox"/> ³ no longer viable	

¹ Indicate the date of the original deposit or, where a new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).

² In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test.

³ Mark with a cross the applicable box.

IV. CONDITIONS UNDER WHICH THE VIABILITY HAS BEEN PERFORMED ⁴	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: Centraalbureau voor Schimmelcultures	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):
Address: Oosterstraat 1 P.O. Box 273 3740 AG BAARN The Netherlands	 Mrs F.B. Snippe-Claus Date (dd-mm-yy): 22-06-99
	 Dr J.A. Stalpers

⁴ Fill in if the information has been requested and if the results of the test were negative.

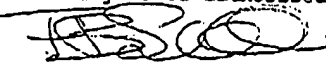
BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Rhodia Chimie
Usine de Melle
R.T.A.
BP 30
79500 MELLE
Frankrijk

name and address of depositor

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR: RPA-BIOCAT 1021	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: CBS 101943
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I above was accompanied by: <input checked="" type="checkbox"/> a scientific description <input type="checkbox"/> a proposed taxonomic designation (mark with a cross where applicable)	
III. RECEIPT AND ACCEPTANCE	
This International Depositary accepts the microorganism identified under I above, which received by it on 16-06-99 (date dd-mm-yy of the original deposit) 1	
IV. RECEIPT OF REQUEST FOR CONVERSION	
The microorganism identified under I above was received by this International Depositary Authority on not applicable (date dd-mm-yy of the original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on not applicable (date dd-mm-yy of receipt of request for conversion)	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: Centraalbureau voor Schimmelcultures Address: Oosterstraat 1 P.O. Box 273 3740 AG BAARN The Netherlands	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):  Mrs F.B. Snippe-Claus Dr. J.A. Stalpers Date (dd-mm-yy): 22-06-99

1 Where Rule 6.4(d) applies, such date is the date on which the status of international
depository authority was acquired.

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Rhodia Chimie
Usine de Melle
R.T.A.
BP 30
79500 MELLE
Frankrijk

*name and address of the party to whom the
viability statement is issued*


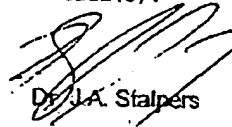
VIABILITY STATEMENT
issued pursuant to Rule 10.2 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified on the following page

I. DEPOSITOR	II. IDENTIFICATION OF THE MICROORGANISM
Name: Rhodia Chimie Usine de Melle R.T.A. Address: BP 30 79500 MELLE Frankrijk	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: CBS 101943 Date (dd-mm-yy) of the deposit or of the transfer: 1 16-06-99
III. VIABILITY STATEMENT	
The viability of the microorganism identified under II above was tested on 22-06-99 2. On that date (dd-mm-yy), the said microorganism was <input checked="checked" type="checkbox"/> ³ viable <input type="checkbox"/> ³ no longer viable	

¹ Indicate the date of the original deposit or, where a new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).

² In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test.

³ Mark with a cross the applicable box.

IV. CONDITIONS UNDER WHICH THE VIABILITY HAS BEEN PERFORMED ⁴	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: Centraalbureau voor Schimmelcultures	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):
Address: Oosterstraat 1 P.O. Box 273 3740 AG BAARN The Netherlands	 Mrs F.B. Snippe-Claus Date (dd-mm-yy): 22-06-99
	 Dr. J.A. Stalpers

⁴ Fill in if the information has been requested and if the results of the test were negative.

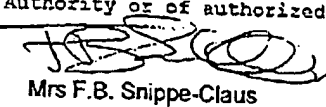
BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Rhodia Chimie
Usine de Melle
R.T.A.
BP 30
79500 MELLE
Frankrijk

name and address of depositor

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR: RPA-BIOCAT 1022	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: CBS 101944
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I above was accompanied by: <input checked="" type="checkbox"/> a scientific description <input type="checkbox"/> a proposed taxonomic designation (mark with a cross where applicable)	
III. RECEIPT AND ACCEPTANCE	
This International Depositary accepts the microorganism identified under I above, which received by it on 16-06-99 (date dd-mm-yy of the original deposit) 1	
IV. RECEIPT OF REQUEST FOR CONVERSION	
The microorganism identified under I above was received by this International Depositary Authority on not applicable (date dd-mm-yy of the original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on not applicable (date dd-mm-yy of receipt of request for conversion)	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: Centraalbureau voor Schimmelcultures Address: Oosterstraat 1 P.O. Box 273 3740 AG BAARN The Netherlands	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):  Mrs F.B. Snippe-Claus Dr. J.A. Stalpers Date (dd-mm-yy): 22-06-99

1 Where Rule 6.4(d) applies, such date is the date on which the status of international
depository authority was acquired.

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Rhodia Chimie
Usine de Melle
R.T.A.
BP 30
79500 MELLE
Frankrijk

*name and address of the party to whom the
viability statement is issued*


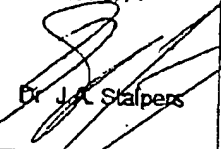
VIABILITY STATEMENT
issued pursuant to Rule 10.2 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified on the following page

I. DEPOSITOR		II. IDENTIFICATION OF THE MICROORGANISM	
Name: Rhodia Chimie Usine de Melle R.T.A. Address: BP 30 79500 MELLE Frankrijk		Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: CBS 101944 Date (dd-mm-yy) of the deposit or of the transfer: 1 16-06-99	
III. VIABILITY STATEMENT			
The viability of the microorganism identified under II above was tested on 22-06-99 2. On that date (dd-mm-yy), the said microorganism was			
<input checked="checked" type="checkbox"/> ³ viable <input type="checkbox"/> ³ no longer viable			

¹ Indicate the date of the original deposit or, where a new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).

² In the cases referred to in Rule 10.2(a) (ii) and (iii), refer to the most recent viability test.

³ Mark with a cross the applicable box.

IV. CONDITIONS UNDER WHICH THE VIABILITY HAS BEEN PERFORMED		4
V. INTERNATIONAL DEPOSITARY AUTHORITY		
Name: Centraalbureau voor Schimmelfcultures		Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):  Mrs F.B. Snippe-Claus Date (dd-mm-yy): 22-06-99
Address: Oosterstraat 1 P.O. Box 273 3740 AG BAARN The Netherlands		
		 Dr J.A. Stalpers

⁴ Fill in if the information has been requested and if the results of the test were negative.